REMARKS

Claims 1-27 are the claims currently pending in the Application.

Claims 1-5, 7-11, 14, 16, 17, 19-23, and 25-27 are amended to clarify features recited thereby.

Formal Matters

Applicant thanks the Examiner for acknowledging the claim for foreign priority and the receipt of the priority document.

Further, Applicant thanks the Examiner for acknowledging review and consideration of the references cited in the Information Disclosure Statement filed on May 1, 2001.

Objection to Claims 1-27

The Examiner also objects to claims 1-27 because of alleged mistakes in punctuation and spelling.

The claims are amended to remove these issues. Therefore, this objection to the claims should now be withdrawn.

Objection to Claims 9 and 27

The Examiner objects to claims 9 and 27 on the ground that the executing steps recited in the body of the claims do not agree with the "creation" referred to in the preamble.

The claims are amended to remove this issue. Therefore, this objection to the claims should now be withdrawn.

Rejection of Claims 1-27 under 35 U.S.C. §112, First Paragraph

Claims 1-27 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement, on the ground that no particular encryption algorithm or key is specified in the Description, and that therefore without an encryption process properly chosen, there could be unacceptable time delay necessary to decrypt the programs. This rejection is traversed.

Responsive to this rejection, Applicant notes as follows:

A person of ordinary shill in the art that would have readily understood at the time of the filing of the Application, that the present invention is not limited to any specific encryption algorithms. Further, a person of ordinary skill would have understood that any encryption algorithm can be used, provided the following requirement is met:

A program code having a size n can be converted into encrypted code having the size n by a common key (Symmetric Key), e.g., DES. --The creator of a program creates a program code according to the present invention, after he selects any one of the encryption algorithms. Thus the program code is created under the advance consideration of delay or decryption time.

The Examiner appears to understand that PROGRAM 10, 20 of Fig. 1 would be composed only of [ENCRYPTED CODE MODULE] and [DECRYPTION CODE MODULE OF ENCRYPTED CODE MODULE]. However, such understanding

is not correct. The PROGRAM naturally includes other non-encrypted program code modules, although not explicitly recited.

For example, the illustration of PROGRAM 10 is illustrated by a square frame 10 showing that several components of 11, 1 2a, 13, 1 4a, 15, 16a and 30 as included in PROGRAM 10, and there is remaining margin.

Due to the amount or processing of the non-encrypted program code, the encryption speed can be adjusted.

With respect to the KEY, the KEY 11 for decrypting [ENCRYPTED CODE MODULE] 11 is contained in the (DECRYPTION CODE MODULE OF ENCRYPTED CODE MODULE] 11a (at any place within the PROGRAM 20).

The KEY 12 for decrypting [ENCRYPTED CODE MODULE] 12 is contained, likewise, in [DECRYPTION CODE MODULE OF ENCRYPTED CODE MODULE 12] 12a (at any place within the PROGRAM 10).

Therefore, it is respectfully submitted that a person of ordinary skill in the art would have been enabled by the disclosure with respect to decryption, and therefore this rejection should now be withdrawn.

Rejection of Claims 1, 10, 19 and 21 under 35 U.S.C. §112, Second Paragraph

Independent claims 1, 10, 19 and 21 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite, and the remaining claims are rejected under 35 U.S.C. §112, second paragraph, solely because of their dependency from independent claims 1, 10, 19 and 21.

Applicant respectfully submits that the issues raised with respect to claims 1, 10, 19 and 21 amount at most to grounds for objection, and that no amendment is required. However, in the interest of expediting prosecution of the invention, the claims are amended to remove these issues. Therefore, this rejection to the claims should now be withdrawn.

Rejection of Claims 1-3, 5, 8-12, 14, 17, 18, 21-23, 26 and 27 under 35 U.S.C. §102(b)

Claims 1-3, 5, 8-12, 14, 17, 18, 21-23, 26 and 27 are rejected under 35 U.S.C. §102(b) as being anticipated by Aucsmith et al., U. S. Patent No. 5,892,899. This rejection is traversed.

For at least the following reasons, Applicant's claimed invention is neither anticipated by nor rendered obvious from the cited prior art, including Aucsmith. By way of example, independent claims 1, 10, 19 and 21 require waiting for decryption for a pre-calculated period of time, and after the pre-calculated period of time had elapsed, executing a next processing regarding regardless of whether or not the encryption is completed.

Aucsmith discloses a tamper resistant program (Aucsmith, Abstract). Aucsmith does not disclose or suggest waiting for decryption for pre-calculated period of time. Further, since Aucsmith does not disclose or suggest waiting for decryption for pre-calculated period of time, Aucsmith is incapable of disclosing or suggesting after the pre-calculated period of time had elapsed, executing a next processing regardless of whether or not the decryption is completed. In fact, the Examiner does not allege that

Aucsmith discloses or suggests these features. Therefore, Aucsmith does not disclose or suggest the features of independent claims 1, 10, 19 and 21.

Claims 2, 3, 5, 8 and 9 depend from independent claim 1, claims 11, 12, 14, 17 and 18 depend from independent claim 10, claim 20 depends from independent claim 19, and claims 22, 23, 26 and 27 depend from independent claims 21. Therefore, claims 2, 3, 5, 8 and 9, claims 11, 12, 14, 17 and 18, claims 2-9, 11-18, 20, and claims 22, 23, 26 and 27 incorporate novel and nonobvious features of their respective base claims, and are patentably distinguishable over the prior art for at least the reasons that their respective base claims are patentably distinguishable over the prior art. Accordingly, this rejection should now be withdrawn.

Rejection of Claims 19 and 20 under 35 U.S.C. §102(b)

Claims 19 and 20 are rejected under 35 U.S.C. §102(b) as being anticipated by Schneier ("Applied Cryptography"). This rejection is traversed.

Independent claim 19 requires waiting for decryption for a pre-calculated period of time, and after the pre-calculated period of time had elapsed, executing a next processing regardless of whether or not the encryption is completed.

Schneier does not disclose or suggest waiting for decryption for a pre-calculated period of time, and clearly does not disclose or suggest after the pre-calculated period of time had elapsed, executing a next processing regardless of whether or not the decryption is completed, as required by independent claim 19.

Claim 20 depends from independent claim 19, and thus incorporates novel and nonobvious features thereof. Therefore, claim 20 is patentably distinguishable over

the prior art for at least the reasons that independent claim 19 is patentably

distinguishable over the prior art. Accordingly, this rejection should now be withdrawn.

Rejection of Claims 4 and 13 under 35 U.S.C. §103

Claims 4 and 13 are rejected under 35 U.S.C. §103 as being obvious from

Aucsmith in view of Sekiguchi, et al., U.S. Patent No. 6,772,419. This rejection is

traversed.

Sekiguchi does not remedy the deficiencies of Aucsmith, as they relate to

independent claims 1 and 10, and that therefore claims 4 and 13, which depend from

independent claims 1 and 10, respectively, are patentably distinguishable over the prior

art for at least the reasons that their respective base claims are patentably distinguishable

over the prior art.

For at least the reasons set forth in the foregoing discussion, Applicant

believes that the Application is now allowable, and respectfully requests that the

Examiner reconsider the rejections and allow the Application. Should the Examiner have

any questions regarding this Amendment, or regarding the Application generally, the

Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,

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